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DATE: November 14, 2003

TO: Art Unit 1638  
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COMPANY: USPTO

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FROM: Lila A. T. Akrad

NUMBER OF PAGES (Including cover): 3

COMMENTS: Please file the attached NOTICE OF APPEAL:

IN RE APPLICATION OF: BENSON, David Lee  
SERIAL NO : 09/759,703  
FILED : January 12, 2001  
FOR HYBRID MAIZE PLANT & SEED  
Group Art Unit : 1638  
Examiner : MEHTA, Ashwin D.  
Attorney Docket No: P04847US0 PHI 1379

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NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 2, 2003 and the Advisory Action dated November 6, 2003. Applicant is appealing the following claims: 1-7, 51-52, 54, and 64-76, as submitted in the Supplemental Amendment After Final on November 14, 2003.

The items checked below are appropriate:

- ☒ The Commissioner is hereby authorized to charge the Notice of Appeal fees in the amount of \$330.00 to Deposit Account No. 26-0084.
- ☐ The Commissioner is hereby authorized to charge the extension fees to Deposit Account No. 26-0084.
- ☒ The Commissioner is authorized to charge any underpayment or credit any overpayment or to Deposit Account No. 26-0084.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9307.

Date: 11/24/2003

  
LILA A. T. AKRAD

Respectfully submitted,



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